

### **REMARKS**

Applicants wish to thank the Examiner for considering the present application. In the Office Action dated September 26, 2007, claims 1-5 are pending in the application. Applicants respectfully request the Examiner for a reconsideration of the rejections.

### **DOUBLE PATENTING REJECTION**

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Pat. No. 6,175,719. Inasmuch as U.S. Pat. No. 6,175,719 is assigned to the same Assignee as the present invention, attached please find a Terminal Disclaimer to Obviate a Double Patenting Rejection over a "Prior" Patent. Therefore, this rejection has been rendered moot.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosen (U.S. Pat. No. 4,831,619) in view of Acampora (U.S. Pat. No. 4,425,639). This rejection is respectfully traversed.

Claim 1 recites integrating an area-wide broadcast downlink beam to be used to support point-to-point transmissions of one or more of the multiple spot beams whose transmission capacity has been exhausted. The Examiner points to column 4, lines 30-41, Fig. 9, zones 31, 33, 35 and 37 as well as column 2, lines 19-40. Applicants admit that point-to-point and broadcast service is provided in the *Rosen* reference as described in column 4.

On page 4 of the Office Action, the Examiner states that Rosen does not explicitly show that the downlink beam is used to support point-to-point transmissions of one or more of the multiple spot beams whose transmission capacity has been exhausted. The Examiner then points

to column 4, lines 21-59 of the Acampora reference for his teaching. However, Applicants have reviewed this portion and can find no teaching or suggestion for area-wide beams. More specifically, there is no teaching or suggestion for what to do when transmissions from one or more multiple spot beams whose transmission capacity has been exhausted. Applicants admit that Col. 4 lines 45-50 describe call blockage in a spot-beam region when the total capacity is exceeded. However, there is no suggestion for what to do after the blockage occurs. There is no teaching or suggestion for using wide area beams when blockage occurs in multiple spot beams or point-to-point transmissions.

In response to the above, on page 2 of the Office Action, the Examiner cites column 2, lines 17-21. Column 2, lines 17-21, recites:

“The invention is also applicable to multiple scanning beam systems. Although for such a system an efficient traffic assignment is possible, frequency hopping may be required for the ground stations in order to prevent undue degradation of blocking probability.”

Applicants respectfully submit that blocking probability is not the same as utilization of satellite capacity of a satellite system that includes integrating an area-wide broadcast downlink beam to be used to support point-to-point transmissions of one or more of the multiple spot beams whose transmission capacity has been exhausted. This passage is merely referring to blockage due to the use of the same frequency. Thus, blocking probability is described. Frequency-hopping and blocking are described in column 8, line 59 through column 9, line 11. Therefore, applicants respectfully submit that the teaching pointed to by the Examiner cannot possibly refer to that which the Examiner says it refers.

Therefore, the Acampora reference does not teach or suggest that an area-wide downlink beam is used to support the point-to-point transmissions of one or more multiple spot beams whose transmission capacity has been exhausted. The combination of the Rosen and Acampora

references fails to teach or suggest the combination. Therefore, Applicants respectfully request the Examiner to reconsider the rejection of claim 1.

Claims 2-5 depend upon allowable independent claim 1 and are also allowable for at least the reasons set forth above.

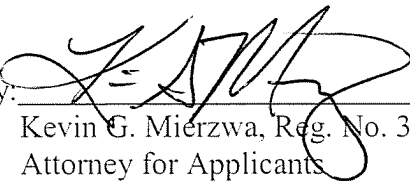
**CONCLUSION**

In light of the remarks above, Applicants submit that all rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, the Examiner is respectfully requested to contact the undersigned attorney.

Should any fees be associated with this submission, please charge Deposit Account 50-0383.

Respectfully submitted,

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